

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/28/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDREW TORO, *On Behalf of Himself and
All Others Similarly Situated*,

Plaintiff,

-against-

BPA SALES, LP,

Defendant.

24-cv-1391 (MKV)

ORDER


MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter filed by Plaintiff requesting an extension of time to restore the action and/or file a dismissal due to a settlement in principle. [ECF No. 16]. Accordingly, IT IS HEREBY ORDERED that Plaintiff's request is GRANTED. IT IS FURTHER ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their settlement in writing and as long as the application to restore the action is made by **November 25, 2024**. No further extensions will be given. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

The Clerk of Court is respectfully requested to terminate the motion at docket entry 16,

SO ORDERED.

**Date: October 28, 2024
New York, NY**


**MARY KAY VYSKOCIL
United States District Judge**